

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

VICTOR UDAVE

PLAINTIFF

v.

Civil No. 08-5041

DR. HUSKINS; and
NURSE SMITH

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Victor Udave (hereinafter Udave) filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. He proceeds *pro se* and *in forma pauperis*.

Defendants filed a motion for summary judgment (Doc. 15). On February 8, 2011, I entered an order (Doc. 19) directing Udave to complete, sign and return an attached questionnaire that would serve as his response to the summary judgment motion. His response to the questionnaire was to be returned by February 28, 2011. To date, Udave has failed to respond to the questionnaire. Udave has not informed the Court of any change in his address or communicated with the Court in anyway.

I therefore recommend Udave's claims be dismissed on the grounds he has failed to prosecute this action and comply with the order of the Court. *See* Fed. R. Civ. P. 41(b).

The parties have fourteen days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 2nd day of March 2011.

/s/ J. Marschewski
HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE